

June 1, 2021

Dr. Elizabeth Goldentyer, DVM
Deputy Administrator, Animal Care
USDA, APHIS, Animal Care
920 Main Campus Drive, Suite 200
Raleigh, NC 27606-5210
Via Email: AnimalCare@usda.gov

Dear Dr. Goldentyer,

On behalf of Rise for Animals (Rise), I am writing to relay our concern regarding multiple occurrences of death of baby rhesus macaques at the University of California, Davis (UC Davis) and to respectfully request that the U.S. Department of Agriculture (USDA) issue the maximum fine of \$12,023 to UC Davis for each instance of noncompliance, 8 total.

Documents We Reviewed

In formulating the recommendation below, Rise reviewed OLAW noncompliance case 2L and OLAW noncompliance case 2W for UC Davis (APHIS registrant 93-R-0433, PHS Assurance D16-00272), which were obtained by Rise through Freedom of Information Act requests.

Finding: Baby Monkeys Keep Dying at UC Davis

The first document we reviewed reveals that from March 21 to April 10, 2018, 7 baby monkeys were poisoned to death by dye used to mark them and their mothers. Two died on March 21st, 1 on April 4th, and the remaining 4 on April 10th, meaning UC Davis did not determine what caused these deaths for weeks as the dye killed more baby monkeys. Had the UC Davis lab staff thoroughly surveyed the literature on the dye, they would have found indications of its irritant toxicity going back to 2001 (Ruppenthal, *Primate-Science 2001*). Further, 7 of the 8 dead baby monkeys were male and it was never determined whether this was because of the sex make-up of the group or something else that required further examination. The babies had dye on their faces, noses, and mouths. USDA did not conduct an inspection and did not create an Inspection Report about these sudden deaths.

The second document we reviewed reveals that on June 12, 2019, a baby rhesus macaque in outdoor group housing got a finger stuck in a perch bracket that was under repair. The monkey enclosure was monitored at 1:30pm in 102 degree weather. By 4:30pm, the baby monkey was discovered to be trapped and efforts to save the monkey failed. The baby monkey died of heat stress. A situation as severe as this would have certainly caused disruption to the primate group—the baby monkey would be in immediate distress and screaming, as would the mother and others recruited to the site of the problem.

This death was reported to the National Institutes of Health's Office of Laboratory Animal Welfare (OLAW) and USDA-APHIS. UC Davis claims that USDA decided this was not an instance of noncompliance because of the veterinary care, past housing practices without similar incidents, and the primate center's efforts to prevent recurrence. However, there would definitely be psychological damage done to the mother and other group members of the infant caught in the unrepaired perch, which could have a lasting impact. There is no indication that this impact was considered or that follow-up mother and group observations were conducted. A situation as distressing as this could impact ongoing research using the affected group members. None of this was considered by USDA at the time.

Request: USDA to Issue the Maximum Fines to UC Davis

USDA did not take any action against UC Davis following the death of the 7 baby monkeys in 2018. Even after receiving a formal complaint from us (NEAVS at the time), there was no follow-up inspection, Inspection Report, or fine for the unintended death of these monkeys. Had UC Davis done thorough research and used the proper dye that did not have adverse effects, the baby monkeys would not have died by poisoning.

For the 2019 monkey death, while USDA reportedly determined that the death of the baby monkey by heat stress was not an instance of noncompliance, we respectfully disagree. UC Davis' failure to repair the perch in a timely manner resulted in a baby monkey dying by being trapped in extreme heat. Having no similar instances in the past with this housing equipment does not mean that this instance does not qualify as noncompliance. The veterinary care would not have been necessary if UC Davis fully repaired the perch or if staff monitored outdoor enclosures more frequently than every three hours during extreme heat. Further, preventing recurrence of animal death should be the standard practice following instances such as this and should not be used to justify an instance not getting classified as a noncompliance.

For these reasons, we respectfully urge you to issue the maximum fine of \$12,023 to UC Davis for each of these 8 instances, for a total of \$96,184. Thank you for your attention to this important request, and for your consideration of this matter.

Sincerely,



Frances Chrzan, J.D.
Legislative & Public Policy Associate
Rise for Animals